



JC10 Rec'd PCT/PTO 09 NOV 2001

BOX SEQ  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attn: Box PCT

Shinichi AYABE et al.

Serial Number: 09/890,646

Group Art Unit: Unknown

Entered U.S. National Stage: August 2, 2001

Examiner: Unknown

International Application No. PCT/JP00/00596

I.A. Filing Date: February 4, 2000

For: POLYNUCLEOTIDE ENCODING 2-HYDROXYISOFLAVANONE SYNTHASE

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Assistant Commissioner  
for Patents

Box PCT

Washington, D.C. 20231

November 9, 2001

Sir:

In response to the notification of missing requirements dated October 12, 2001, applicants are submitting herewith a paper copy of the "Sequence Listing" as required under 37 C.F.R § 1.821(c) and a copy of the "Sequence Listing" in computer readable form on a 3 1/2" floppy disk. The content of the copy in computer readable form is identical to the content of the paper copy of the "Sequence Listing". Also submitted herewith is a "Statement to Support

U.S. Patent Appln. S.N. 09/890,646  
RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

PATENT

Filing and Submission in Accordance With 37 C.F.R. §§ 1.821-1.825."

The Office is directed to enter the Sequence Listing into the specification following page 37 and prior to the claims.


The Notice indicates that a fee of \$40.00 is required for this application due to 10 independent claims over 3 being filed (small entity). However, this is not correct. The total number of independent claims in this application is 12, therefore there are only 9 claims over three. Please correct the USPTO records.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK

  
Keiko Tanaka Kubovcik  
Reg. No. 40,428

Atty. Case No. JKM-001  
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RJK/emd

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Shinichi AYABE et al.

BOX MISSING PARTS

Serial Number: 09/890,646

Group Art Unit: Unknown

Filed: August 2, 2001

Examiner: Unknown

For: POLYNUCLEOTIDE ENCODING 2-HYDROXYISOFLAVANONE SYNTHASE

TRANSMITTAL OF ASSERTION TO ENTITLEMENT TO SMALL ENTITY STATUS

Assistant Commissioner

For Patents

Washington, D.C. 20231

November 9, 2001

Sir:

The applicants claim small entity status as provided under 37 CFR §1.27(a). An executed Assertion of Entitlement to Small Entity Status is attached hereto.

In the event any fees are due in connection with this matter the Commissioner is authorized to debit our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



Keiko Tanaka Kubovcik

Reg. No. 40,428

Atty. Docket No. JKM-001

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KTK/cfm

Enclosure: Assertion of Entitlement to Small Entity Status

ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS

Inventors: Shinichi AYABE, Toshio AOKI and Tomoyoshi  
AKASHI

Title of the Invention: POLYNUCLEOTIDE ENCODING 2-  
HYDROXYISOFLAVANONE SYNTHASE

☒ Filed: August 2, 2001

☐ Submitted herewith

Nihon University, the assignee of the entire right, title and interest in the above-identified application, is entitled to small entity status with respect to the above-identified application as a nonprofit organization as defined under 37 C.F.R. §1.27 (a) (3).

Signature:

森田 賢次

Name:


Kenji MORITA

Title:

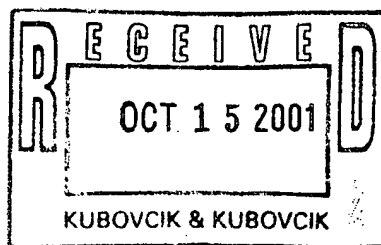
The chairman of the board of trustees

Date:

October 22, 2001

 <small>Computer For Patent, See PCT, United States Patent and Trademark Office, Washington, D.C. 20220, www.uspto.gov</small>		
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/890,646	Shinichi Ayabe	JKM-001

Keiko Tanaka Kubovcik  
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INTERNATIONAL APPLICATION NO.	
PCT/JP00/00596	
I.A. FILING DATE	PRIORITY DATE
02/04/2000	02/04/1999

CONFIRMATION NO. 5225  
371 FORMALITIES LETTER



\*OC000000006882716\*

Date Mailed: 10/12/2001  
Due: 12/12/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.



DOCKETED BY: <u>RD/BD</u>
DATE: <u>10/15/01</u>

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of **\$40** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$40** for a Small Entity:

- Total additional claim fee(s) for this application is **\$40**
  - **\$40** for **10** independent claims over 3.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

ANITA D JOHNSON

Telephone: (703) 305-3661

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/890,646	PCT/JP00/00596	JKM-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: JKM-001

In re patent application of

AYABE, SHINICHI et al.

Serial No. 09/890,646

Filed: August 2, 2001

For: POLYNUCLEOTIDE ENCODING 2-HYDROXYISOFLAVANONE SYNTHASE

STATEMENT TO SUPPORT FILING AND SUBMISSION IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents  
Washington, D.C. 20231  
**Box SEQUENCE**

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

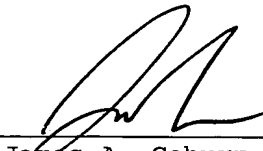
1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and
3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

Serial No. 09/890,646

States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,

Sept. 5, 2001  
Date

  
James A. Coburn

**HARBOR CONSULTING**  
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Portsmouth, N.H.  
800-318-3021